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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,200	01/26/2004	Akira Miyajima	P23932	6443
7055 7590 12/26/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
12/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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# Office Action Summary

**Application No.**

10/763,200

**Applicant(s)**

MIYAJIMA, AKIRA

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on September 19, 2008 has been entered. Claims 3, 5, 9, 11, and 14-19 have been amended. No claims have been cancelled. No claims have been added. Claims 1-19 are still pending in this application, with claims 1, 5, 12, 13, 14, 15, 16, 17, 18, and 19 being independent.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuller et al. (US Patent Application, Pub. No.: US 2007/0211698 A1).
3. In regards to claims 1, 5, 11, 14, 15, 16, 17, 18, and 19, Fuller discloses an Internet telephone apparatus connected to a server, the server storing an IP address corresponding to a telephone number of a call destination (e.g., subscriber premises 16, See Fig. 1), a plurality of telephone apparatuses (e.g., IP telephones 18, See Fig. 1) being associated with the call destination, the Internet telephone apparatus comprising:

a controller (e.g., call manager 46, See Fig. 1) configured to transmit the telephone number of the call destination to the server, to receive an IP address corresponding to the telephone number of the call destination from the server, and to access the call destination for a call over the Internet based on the IP address (See pg. 4, paragraph [0040]); said controller, when a predetermined symbol is detected in the IP address, converts the predetermined symbol into a numeric value, and accesses a predetermined one of the plurality of telephone apparatuses associated with the call destination based on the IP address including the numeric value; and said controller, when the predetermined telephone apparatus of the call destination is unavailable (e.g., busy or does not answer), reconverts the predetermined symbol into another numeric value, and accesses another telephone apparatus (e.g., another IP or analog/POTS telephone) of the plurality of telephone apparatuses based on the IP address including the another numeric value without user intervention at the Internet telephone apparatus (See pg. 4, paragraph [0041]; pg. 5, paragraph [0050]; and pg. 6, paragraph [0057]).

4. In regards to claim 2, Fuller discloses the Internet telephone apparatus, wherein the predetermined symbol is included in a host address of the IP address (See pg. 4, paragraph [0039]; pg. 6, paragraph [0053]; and pg. 6, paragraph [0056]).

5. In regards to claim 3, Fuller discloses the Internet telephone apparatus, wherein the host address is a fifth octet of the IP address (See pg. 4, paragraph [0039]; pg. 6, paragraph [0053]; and pg. 6, paragraph [0056]).

6. In regards to claim 4, Fuller discloses the Internet telephone apparatus, wherein the controller receives the IP address including the predetermined symbol from the

server, when the controller transmits, to the server, a telephone number indicating all of the telephone apparatuses (e.g., IP telephones 18) associated with the call destination (e.g., subscriber premises 16) (See pg. 4, paragraph [0040]).

7. In regards to claim 6, Fuller discloses the Internet telephone apparatus, wherein the predetermined symbol is included in a host address of the IP address (See pg. 4, paragraph [0039]; pg. 6, paragraph [0053]; and pg. 6, paragraph [0056]).

8. In regards to claim 7, Fuller discloses the Internet telephone apparatus, wherein the controller receives, from the server, the IP address including the predetermined symbol and the range information, when the controller transmits, to the server, a telephone number indicating that the Internet telephone apparatus automatically and sequentially accesses the plurality of telephone apparatuses (e.g., IP telephones 18 and an analog/POTS telephone) associated with the call destination (See pg. 4, paragraph [0041]; pg. 5, paragraph [0050]; and pg. 6, paragraph [0057]).

9. In regards to claim 8, Fuller discloses the Internet telephone apparatus, wherein the controller receives, from the server, the IP address including the predetermined symbol and the range information, when the controller transmits, to the server, a telephone number indicating all of the telephone apparatuses associated with the call destination (See pg. 4, paragraph [0040]).

10. In regards to claim 9, Fuller discloses the Internet telephone apparatus, wherein the controller first accesses a telephone apparatus associated with the call destination based on a starting IP address of the range; said controller, when the accessed telephone apparatus is unavailable, sequentially accesses a next telephone apparatus

associated with the call destination until reaching a telephone apparatus corresponding to the last IP address of the range (See pg. 4, paragraph [0041]).

11. In regards to claim 10, Fuller discloses the Internet telephone apparatus, wherein the controller receives, from the server, the IP address including the predetermined symbol and the range information, when the controller transmits, to the server, a telephone number indicating a telephone apparatuses associated with the call destination (See pg. 4, paragraph [0040]).

12. In regards to claims 12 and 13, Fuller discloses an adapter for an Internet telephone, connected to an telephone apparatus and to a server, the server storing an IP address corresponding to a telephone number of a call destination, a plurality of telephone apparatuses (e.g., IP telephones 18, See Fig. 1) being associated with the call destination (e.g., subscriber premises 16, See Fig. 1) the adapter comprising: a connector configured to connect to the Internet telephone apparatus; a controller (e.g., call manager 46, See Fig. 1) configured to receive the telephone number of the call destination from the telephone apparatus, to transmit the telephone number of the call destination to the server, to receive the IP address corresponding to the telephone number from the server, and to access the call destination for a call over the Internet based on the IP address (See pg. 4, paragraph [0040]); said controller, when a predetermined symbol is detected in the IP address, converts the predetermined symbol into a numeric value, and accesses a predetermined one of the plurality of telephone apparatuses associated with the call destination based on the IP address including the numeric value; and said controller, when the predetermined telephone apparatus of the

call destination is unavailable (e.g., e.g., busy or does not answer), reconverts the predetermined symbol into another numeric value, and accesses another telephone apparatus (e.g., another IP or analog/POTS telephone) of the plurality of telephone apparatuses based on the IP address including the another numeric value without user intervention at the calling telephone apparatus (See pg. 4, paragraph [0041]; pg. 5, paragraph [0050]; and pg. 6, paragraph [0057]).

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yonemoto et al. (US 6,298,239) teach an information transmission control apparatus for transmitting same information to a plurality of destinations, and information reception apparatus for receiving information from information transmission control apparatus. Chimura et al. (US 6,400,719) teach a telephone communication method capable of relating a telephone terminal and a speech channel IP address at the time of call connection. Kobayashi (US Patent Application, Pub. No.: US 2001/0004361 A1) teach a telephone controller for VOIP.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614